

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No. 07-279
FM Table of Allotments,	)	RM-11411
FM Broadcast Stations.	)	RM-11422
	)	RM-11423
Buffalo, Iola, Normangee, and Madisonville,	)	
Texas	)	

**ORDER**

**Adopted: October 24, 2008**

**Released: October 27, 2008**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division, on its own motion, hereby sets aside the *Report and Order*<sup>1</sup> in this proceeding pursuant to Section 1.113(a) of the Commission's Rules<sup>2</sup> and provides interested parties with the opportunity to file competing expressions of interest in FM Channel 299C3, Madisonville, Texas, in compliance with Section 1.420(g) of the Commission's Rules.<sup>3</sup>

2. The *R&O* granted a counterproposal (RM-11423) to allot FM Channel 267A at Normangee, Texas. To accommodate this new allotment, the *R&O* substituted Channel 299C3 for Channel 267A as the reserved assignment for Station KKL B(FM), Madisonville, Texas, in the Media Bureau's Consolidated Data Base System, pursuant to Section 1.420(g) of the Commission's Rules. The *R&O* also denied, on a comparative basis, a counterproposal (RM-11422) to allot Channel 299A to Buffalo, Texas, and denied a rulemaking petition (RM-11411) to allot Channel 299A at Iola, Texas, because no continuing expression of interest in that proposed allotment was filed.

3. Although a *Public Notice*<sup>4</sup> was issued in this proceeding, announcing the filing of the two counterproposals and providing a 15-day period for filing reply comments to these counterproposals, the *Public Notice* did not, with respect to RM-11423, solicit competing expressions of interest for upgraded, non-adjacent Channel 299C3 at Madisonville. Therefore, we set aside the *R&O* in order to comply with Section 1.420(g). Parties may file competing expressions of interest in Channel 299C3 at Madisonville, Texas, within 15 days from the release date of this *Order*.<sup>5</sup>

4. ACCORDINGLY, IT IS ORDERED, That our action in the *Report and Order* IS SET ASIDE pursuant to Section 1.113(a) of the Commission's Rules.

5. IT IS FURTHER ORDERED, That interested parties may file expressions of interest in

<sup>1</sup> *Buffalo, Iola, Normangee, and Madisonville, Texas*, Report and Order, DA 08-2267 (rel. Oct. 10, 2008) ("*R&O*").

<sup>2</sup> 47 C.F.R. § 113(a) (providing the staff with the discretion to set aside an action taken under delegated authority within 30 days of public notice of that action).

<sup>3</sup> 47 C.F.R. § 1.420(g) (permitting, in the course of a rulemaking proceeding, the modification of the license or permit of an FM station in the non-reserved FM band to a non-adjacent channel in the same community provided that there is no other timely filed expression of interest in the non-adjacent channel).

<sup>4</sup> Report No. 2859 (rel. Apr. 2, 2008).

<sup>5</sup> The reference coordinates for Channel 229C3 at Madisonville, Texas, are 30-53-45 NL and 96-04-31 WL.

Channel 299C3, Madisonville, Texas, with 15 days from the release of this *Order*.

6. IT IS FURTHER ORDERED, That a copy of this *Order* be sent by Certified Mail, Return Receipt Requested, to Charles Crawford, 4553 Bordeaux Ave., Dallas, Texas 75205 (Petitioner in RM-11411); Gene A. Bechtel, Esq., Law Office of Gene Bechtel, 1050 17<sup>th</sup> Street, N.W., Suite 600, Washington, D.C. 20036; Robert J. Buenzle, Law Offices of Robert J. Buenzle, 11710 Plaza America Drive, Suite 2000, Reston, Virginia 20190 (Counsel to Roy E. Henderson, Counterproponent in RM-11422); and Katherine Pyeatt, 2215 Cedar Springs Road, #1910, Dallas, Texas 75201 (Counterproponent in RM-11423).

7. For further information concerning this proceeding, contact Andrew J. Rhodes, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau